

Message Text

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ACTION IO-13

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FM USMISSION GENEVA

TO SECSTATE WASHDC 2555

UNCLAS GENEVA 7520

DEPT ALSO PASS TO: DHEW: DR P. EHRLICH, OIC, MR. LYNCH,
CONTRACTS MANAGERIAL BRANCH
GAO: MR J. DUFF, ID; MR. R. EVERS, OGC

E.O. 11652: N/A

TAGS: WHO

SUBJECT: GAO MEETING WITH WHO ON WHO-DHEW CONTRACT MATTERS

1. A MEETING WAS HELD ON SEPT. 24, 1976, AT WHO HEADQUARTERS BETWEEN MISSION HEALTH ATTACHE BINDA AND MESSRS E. WOHLHORN AND C. SWENSON OF VISITING GAO TEAM WITH MR. F. BUTTERIDGE, DIRECTOR, WHO LEGAL DIVISION, C. VIGNES, CHIEF, UNIT ON CONSTITUTIONAL AND LEGAL MATTERS, AND J. CARNER, CHIEF, DIVISION OF BUDGET AND FINANCE. THE PURPOSE OF THE MEETING WAS TO DISCUSS THE STANDARD EXAMINATION OF RECORDS CLAUSE IN CONTRACTS BETWEEN WHO AND THE NATIONAL INSTITUTES OF HEALTH OF DHEW. AS A RESULT OF THE MEETING, IT IS PROPOSED THAT IN FUTURE CONTRACTS BETWEEN WHO AND THE NATIONAL INSTITUTES OF HEALTH, THE STANDARD EXAMINATION OF RECORDS CLAUSE BE REPLACED BY THE FOLLOWING:

(1) WHO AGREES TO KEEP ADEQUATE RECORDS FOR DOCUMENTATION OF PROGRESS MADE AND STATUS OF THE RESEARCH AS WELL AS FOR PREPARATION OF REPORTS ON THE SCIENTIFIC ASPECTS THEREOF; AND FURTHER AGREES TO KEEP RECORDS OF OBLIGATIONS AND EXPENDITURES, TOGETHER WITH FUNDS RECEIVED AND EXPENDED IN CARRYING OUT THE RESEARCH.

(2) WHO AGREES TO SUBMIT TO THE APPROPRIATE NATIONAL
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INSTITUTE OF HEALTH AND THE COMPTROLLER GENERAL

REPORTS AS INDICATED BELOW. HOWEVER, NONE OF THESE ARRANGEMENTS FOR REPORTS SHALL PROCLUDE FULL INFORMAL EXCHANGE OF CORRESPONDENCE OR OTHER COMMUNICATIONS BETWEEN WHO AND NIH AND THE COMPTROLLER GENERAL. ALL REPORTS AND OTHER COMMUNICATIONS WILL BE TRANSMITTED IN THE ENGLISH LANGUAGE, UNLESS OTHERWISE PROVIDED FOR.

A) A NARRATIVE REPORT DESCRIPTIVE OF THE PROGRESS OF THE WORK PROVIDED FOR UNDER THIS AGREEMENT WILL BE SUBMITTED THREE MONTHS IN ADVANCE OF EACH PAYMENT PERIOD AND IN NO CASE LESS THAN ANNUALLY.

B) AT THE CONCLUSION OF THIS AGREEMENT, A FINAL REPORT TO NIH IN A FORM SUITABLE FOR PUBLICATION, INCLUDING ALL PERTINENT TECHNICAL DATA, AND SUMMARIZING THE WORK DONE, THE RESULTS ACCOMPLISHED, AND THE CONCLUSIONS DRAWN THEREFROM.

C) SUCH INTERIM REPORTS OR INFORMATION ON THE STATUS OR PROGRESS OF RESEARCH UNDER THIS AGREEMENT AS MAY BE NECESSARY IN CONNECTION WITH SPECIAL EVENTS OR PROBLEMS ARISING DURING THE COURSE OF THE WORK, EITHER ON THE INITIATIVE OF NIH, THE COMPTROLLER GENERAL OR WHO.

(3) THE PARTIES TO THIS AGREEMENT OR THEIR ACCREDITED REPRESENTATIVES AT NIH OR THE COMPTROLLER GENERAL WILL HAVE ACCESS AT ANY REASONABLE TIME TO THAT PART OF THE RESEARCH FACILITIES OR OFFICES UTILIZED IN CONNECTION WITH THE RESEARCH FOR THE PURPOSES OF OBSERVING THE STATUS AND PROGRESS OF THE WORK. OFFICERS OF WHO, OR OTHER PERSONNEL ASSIGNED TO OR ENGAGED IN THE CONDUCT OF THIS PROJECT, SHALL BE AVAILABLE FOR CONSULTATION WITH NIH, COMPTROLLER GENERAL OR THEIR REPRESENTATIVES AT ANY REASONABLE TIME.

(4) THE CONTRACTOR AGREES THAT THE COMPTROLLER GENERAL OF THE UNITED STATES OR ANY OF HIS DULY AUTHORIZED REPRESENTATIVES SHALL BE ENTITLED TO REQUEST, UNTIL THE EXPIRATION OF THREE YEARS AFTER FINAL PAYMENT UNDER THIS CONTRACT, THE SUBMISSION OF COPIES OR EXTRACTS OF ANY DIRECTLY PERTINENT BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF THE CONTRACTOR, INVOLVING TRANSACTIONS RELATED TO THIS UNCLASSIFIED

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CONTRACT. THE CONTRACTOR SHALL COMPLY WITH SUCH REQUESTS TO THE EXTENT COMPATIBLE WITH GENERAL WHO RULES AND PROCEDURES.

(5) THE CONTRACTOR WILL FURTHER ENDEAVOR TO INCLUDE IN ALL HIS SUBCONTRACTS HEREUNDER A PROVISIONS TO THE EFFECT THAT THE SUBCONTRACTOR AGREES TO MAKE AVAILABLE TO THE COMPTROLLER GENERAL OF THE UNITED STATES OR ANY OF HIS DULY AUTHORIZED REPRESENTATIVES, UNTIL THE

EXPIRATION OF THREE YEARS AFTER FINAL PAYMENT UNDER THE SUBCONTRACT, COPIES OR EXTRACTS OF ANY DIRECTLY PERTINENT BOOKS, DOCUMENTS, PAPERS, AND RECORDS OF SUCH SUBCONTRACTOR, INVOLVING TRANSACTIONS RELATED TO THE SUBCONTRACT. THE TERM "SUBCONTRACT" AS USED IN THIS CLAUSE EXCLUDES (1) PURCHASE ORDERS NOT EXCEEDING \$2,500 AND (2) SUBCONTRACTS OR PURCHASE ORDERS FOR PUBLIC UTILITY SERVICES AT RATES ESTABLISHED FOR UNIFORM APPLICABILITY TO THE GENERAL PUBLIC.

(6) A FINANCIAL AUDIT WILL BE MADE OF PROJECT EXPENDITURES AT THE TERMINATION OF THE RESEARCH OR AT SUCH TIME AS REQUESTED BY NIH AND THE COMPTROLLER GENERAL. THAT IS, A VERIFICATION OF EXPENDITURES OF FUNDS RECEIVED AGAINST SUCH EVIDENCE OF EXPENDITURE AS RECEIPTS, VOUCHERS, CHECKS, TIME RECORDS AND PAYROLLS; AND A VERIFICATION THAT ALL EXPENDITURES MADE WERE WITHIN THE TERMS OF THE AGREEMENT.

2. PLEASE ADVISE MISSION AND MR WOHLHORN WHETHER THE ABOVE CLAUSES ARE ACCEPTABLE OR IF ANY MODIFICATIONS ARE DESIRED SO THAT WHO CAN BE APPROPRIATELY ADVISED. CATTO

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